

Before the Board of Zoning Adjustment, D. C.

Application No. 11753 of Peoples Union Baptist church pursuant to Section 8207.1 of the Zoning Regulations for variances from the Lot occupancy, open Court and rear yard requirements to permit the construction of a new church on the premises as provided by Section 8207.11 of the regulations in the R-4 Zone at 1111 South Carolina Avenue, S. E., Lots 17, 18, 19, Square 991.

HEARING DATE: October 16, 1974

EXECUTIVE SESSION: October 25, 1974

FINDINGS OF FACT:

1. The applicant proposed to construct a new church and requests variances of 54 feet from the Lot Occupancy limitation of Section 3303.1, a variance of 4 feet from the open court requirements of Section 3306.1 and 12.17 foot variance from the rear yard requirements of Section 3304.1 of the regulations.

2. The property subject to this application includes four lots which are improved with a church and a house on the third lot. The church proposes to demolish the old church and the existing house.

3. The applicant can build up to the lot lines on both sides of the property, however they propose to set back four feet from the lot line at the rear of one side of the proposed building. This creates an open court, which must be 10 feet in depth as prescribed by Section 3306.2 of the regulations.

4. The applicant testified at the Public Hearing, that the purpose for the proposed open court is to provide a source of light to the church.

5. The applicant further asserts that it is necessary to build over the prescribed lot occupancy requirement because the church requires more room to accomodate an increasing church membership.

6. Opposition to this application by neighborhood residents was based on the contention that the requested variances, if granted would have the effect of creating more traffic congestion in the neighborhood.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings, the Board is of the opinion that the practical difficulty confronting the applicant is of his own creation because of its proposed plans. It appears from evidence of record that the applicant should be able to build on the larger site in strict compliance with the regulations, by tailoring its plans consistent with the regulations. The applicant intends to demolish an existing church located on two lots, and rebuild using an additional lot. It is reasonable that the applicant could build without variances. The Board notes that a church use can be established in any zone without parking requirements. The Board concludes that the applicant has not demonstrated the existence of a practical difficulty within the meaning of Section 8207.11 of the Regulations and that in this case, where the applicant's plans could be altered to adhere strictly to the regulations, the granting of this variance would substantially impair the meaning and intent of the Zoning Regulations.

ORDERED:

That the above application be DENIED.

VOTE:

4-0 (Mr. Klauber abstaining)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER:

NOV 27 1974